

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: February 15, 2006 Division: Growth Management
Bulk Item: Yes ☐ No ☒ Department: Planning and Environmental Resources
Staff Contact Person: Aref Joulani

AGENDA ITEM WORDING:

Public hearing to consider a DCA transmittal resolution to amend the Future land Use Map from Mixed Use/Commercial (MC) to Residential High (RH) and to consider the request by Zacharias Frederick J. Trustee, to amend the Future land Use Map from Mixed Use/Commercial (MC) to Residential High (RH) and to amend the Land Use District (Zoning) Map from Sub Urban Commercial (SC) to Urban Residential (UR), Re # 00468473.019200.

ITEM BACKGROUND:

Zacharias Frederick J. Trustee is requesting an amendment to the Future Land Use Map from Mixed Use/Commercial (MC) to Residential High (RH) and an amendment to the Land Use District (Zoning) Map from Sub Urban Commercial (SC) to Urban Residential (UR) to allow increased opportunity for residential development of the property.

PREVIOUS RELEVANT BOCC ACTION: N/A

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval

TOTAL COST: N/A
COST TO COUNTY: N/A

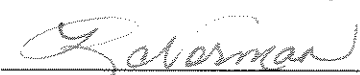
BUDGETED: Yes ☐ No ☐
SOURCE OF FUNDS: _____

REVENUE PRODUCING: N/A

AMOUNT PER MONTH _____ **Year** _____

APPROVED BY: County Atty ☒ OMB/Purchasing _____ Risk Management _____

DIVISION DIRECTOR APPROVAL:


Ronda Norman, Acting Division Director

DOCUMENTATION: Included ☒ Not Required _____

DISPOSITION: _____ **AGENDA ITEM #** _____

MONROE COUNTY YEAR 2010
COMPREHENSIVE PLAN AMENDMENT
FUTURE LAND USE MAP AMENDMENT FROM
MIXED USE/COMMERCIAL (MC)
TO RESIDENTIAL HIGH (RH)

AND

LAND USE DISTRICT (ZONING) MAP
AMENDMENT FROM
SUB URBAN COMMERCIAL (SC)
TO URBAN RESIDENTIAL (UR)

BOARD OF COUNTY COMMISSIONERS
KEY LARGO
FEBRUARY 15, 2006

PROPOSED FUTURE LAND USE MAP AMENDMENT

MIXED USE/COMMERCIAL (MC)
TO RESIDENTIAL HIGH (RH)

AND

PROPOSED LAND USE DISTRICT (ZONING) MAP AMENDMENT

SUB URBAN COMMERCIAL (SC)
TO URBAN RESIDENTIAL (UR)

A REQUEST BY ZACHARIAS FREDERICK J. TRUSTEE TO AMEND THE FUTURE LAND USE MAP FROM MIXED USE/COMMERCIAL (MC) TO RESIDENTIAL HIGH (RH) AND TO AMEND THE LAND USE DISTRICT (ZONING) MAP FROM SUB URBAN COMMERCIAL (SC) TO URBAN RESIDENTIAL (UR) FOR PROPERTY LOCATED ON KEY LARGO AND FURTHER DESCRIBED AS TRACT A, CROSS KEY WATERWAYS ESTATES, SECTION 3, KEY LARGO, MONROE COUNTY, FLORIDA, RE # 00468473.019200.

RECOMMENDATIONS

DRC:	December 19, 2006	Resolution # D 24-05
PC:	January 25, 2006	Resolutions # P 02-06 & P 03-06

BOCC TRANSMITTAL RESOLUTION

RESOLUTION NO.

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **TRANSMITTING** TO THE DEPARTMENT OF COMMUNITY AFFAIRS THE REQUEST FILED BY ZACHARIAS FREDERICK J. TRUSTEE TO AMEND THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FUTURE LAND USE MAP FROM MIXED USE/COMMERCIAL (MC) TO RESIDENTIAL HIGH (RH) FOR PROPERTY DESCRIBED AS TRACT A, CROSS KEY WATERWAYS ESTATES, SECTION 3, KEY LARGO, MONROE COUNTY, FLORIDA. THE PROPERTY IS LOCATED AT APPROXIMATE MILE MARKER 103, RE # 00468473.019200.

WHEREAS, the Monroe County Board of County Commissioners held a public hearing on February 15, 2006 for the purpose of considering the transmittal to the Florida Department of Community Affairs, for review and comment of a proposed amendment to the Future Land Use Map for the Monroe County Year 2010 Comprehensive Plan: and

WHEREAS, the Planning Commission and the Monroe County Board of County Commissioners support the requested Future Land Use Map designation change;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

- Section 1.** The Board of County Commissioners does hereby adopt the recommendation of the Monroe County Planning Commission pursuant to the draft ordinance for adoption of the proposed Future Land Use Map amendment; and
- Section 2.** The Board of County Commissioners will transmit the proposed amendment as part of the second set of comprehensive plan map amendments for 2006 to the Florida Department of Community affairs for review and comment in accordance with the provisions of Sections 163.184 and 380.0522, Florida Statutes; and
- Section 3.** The Monroe County Staff is given the authority to prepare and submit the required transmittal letter and supporting documents for the proposed amendment on a date to be determined by the BOCC in accordance with the requirement of 9J-11.0006 of the Florida Administrative Code; and
- Section 4.** The Clerk of the Board is hereby directed to forward a copy of this resolution to the Director of Planning and Environmental Resources.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the 15th day of February, 2006.

Mayor Charles "Sonny" McCoy
Mayor Pro Tem Murray E. Nelson
Commissioner George Neugent
Commissioner Dixie M. Spehar
Commissioner David P. Rice

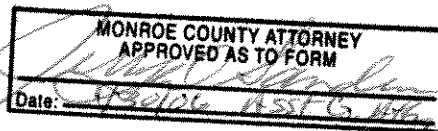
BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By _____
Mayor Charles "Sonny" McCoy

(SEAL)

ATTEST: DANNY L. KOHAGE, CLERK

Deputy Clerk



BOCC ORDINANCE TO AMEND
THE FUTURE LAND USE MAP (FLUM)



ORDINANCE NO.

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **APPROVING** THE REQUEST BY ZACHARIAS FREDERICK J TRUSTEE TO AMEND THE FUTURE LAND USE MAP OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FROM MIXED USE COMMERCIAL (MC) TO RESIDENTIAL HIGH (RH) FOR PROPERTY DESCRIBED AS TRACT A, CROSS KEY WATERWAYS ESTATES, SECTION THREE, KEY LARGO, MONROE COUNTY, FLORIDA HAVING THE REAL ESTATE NUMBER: 00468473.019200. APPROXIMATE MILE MARKER 103.

WHEREAS, the Monroe County Board of County Commissioners, during a regular meeting held on February 15, 2006 conducted a review and consideration of the request filed by Zacharias Frederick J. Trustee to amend the Future Land Use Map (FLUM) from Mixed Use Commercial (MC) to Residential High (RH) for the property described as Tract A, Cross Key Waterways Estates, Section 3, Key Largo, Monroe County, Florida, having the real estate number 00554420.000000; and

WHEREAS, at its December 19, 2006 meeting in Marathon, the Development Review Committee reviewed the application and recommended approval of the Future Land Use Map amendment as indicated in the Resolution D24-05; and

WHEREAS, subsequent to the Development Review Committee meeting of December 19, 2006 after further review of the application, consideration of the facts and based on new information, staff reconsidered its recommendation and recommended not to approve the application to the Planning Commission as indicated in the Planning Commission Staff Report dated January 19, 2006; and

WHEREAS, the Planning Commission held a public hearing in Key Largo on January 25, 2006 and based on facts presented at the meeting, the Planning Commission recommended to approve the Future Land Use District Map amendment, as indicated in the Resolution P02-06; and

WHEREAS, the Board of County Commissioners examined the following information:

1. The application of Zacharias Frederick J. Trustee to amend the Future Land Use Map (FLUM) from Mixed Use Commercial (MC) to Residential High (RH) and the Land

Use District (Zoning) Map from Sub Urban Commercial (SC) to Urban Residential (UR); and

2. The staff report prepared by Aref Joulani, Acting Director, Planning and Environmental Resources and Alex Score, Senior Biologist, dated January 25, 2006; and

WHEREAS, the Board of County Commissioners makes the following **Findings of Fact**:

1. **Section 9.5-511 (d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. In accordance with **Section 9.5-511 (d) (5) (b):**
(iv.) New issues:
The property has the potential for commercial development under existing zoning that would permit similar clearing to the proposed residential Land Use District and FLUM designations, subject to Land Development Regulations. The applicant's agent stated that the HEI conducted on the property identified the parcel as moderate-quality hammock. Existing environmental rules will provide protection for the hammock.
3. The Special Protection Area (SPA) is proposed and has not been adopted.

WHEREAS, the Board of County Commissioners makes the following **Conclusions of Law**:

1. **Section 9.5-511 (d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. The map amendment meets the fifth (v.) criteria outlined in **Section 9.5-511 (d) (5) (b):** of the Monroe county Land Development Regulations and will not have negative impact or alter the character of the properties or immediate vicinity.
3. The Special Protection Area (SPA) is proposed and has not been adopted.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

Section 1. The Board specifically adopts the findings of fact and conclusions of law stated above.

Section 2. The previously described property, which is currently designated Mixed Use Commercial (MC) shall be designated Residential High (RH) as shown on the attached map, which is hereby incorporated by reference and attached as Exhibit 1.

Section 3. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan shall be amended as delineated in Section 2. above.

Section 4. If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 6. This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving the ordinance.

Section 7. This ordinance is hereby transmitted by the Planning Department to the Department of Community Affairs for review and comment pursuant to Chapter 163, Florida.

Section 8. The Monroe County Staff is authorized to prepare and submit the required transmittal letter and supporting documents for the proposed amendment in accordance with the requirements of 9J-11.011 of the Florida Administrative Code.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the 15th day of February 2006.

Mayor Charles "Sonny" McCoy
Mayor Pro Tem Murray E. Nelson
Commissioner George Neugent
Commissioner Dixie M. Spehar
Commissioner David P. Rice

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By _____
Mayor Charles "Sonny" McCoy

(SEAL)

ATTEST: DANNY L. KOHAGE, CLERK

Deputy Clerk

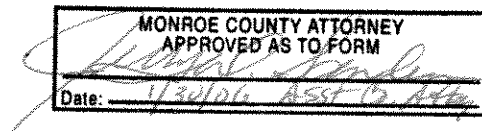


EXHIBIT ONE



Proposed Future Land Use District Map Amendment: Street Map

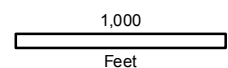
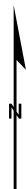
Key: Key Largo

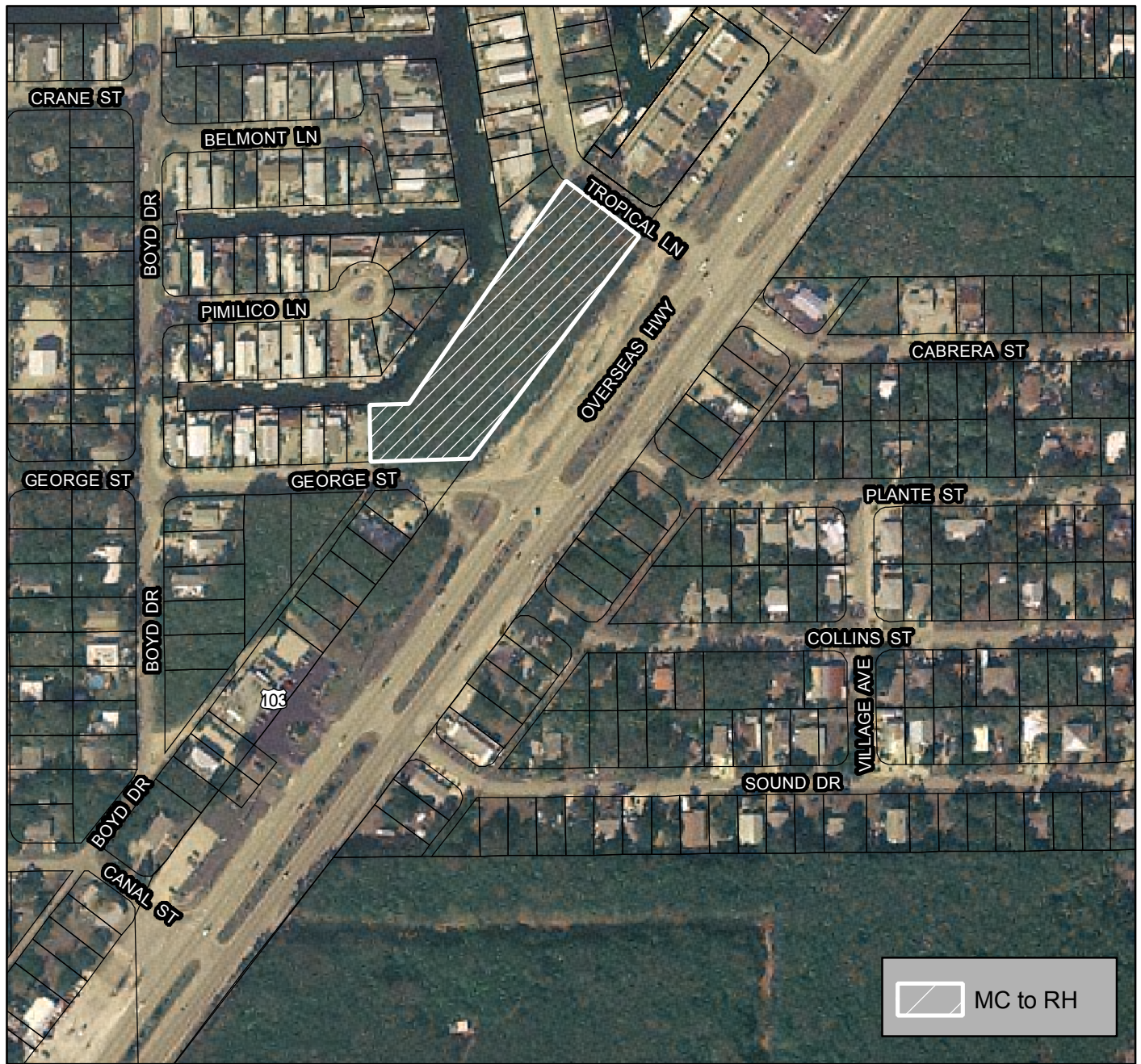
Mile Marker: 103

Proposal: Change Future Land Use District from Mixed Use/Commercial District (MC) to Residential High District (RH).

Property Description: RE 00468473.019200

Map Amendment: M25076





Proposed Future Land Use District Map Amendment: Aerial

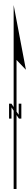
Key: Key Largo

Mile Marker: 103

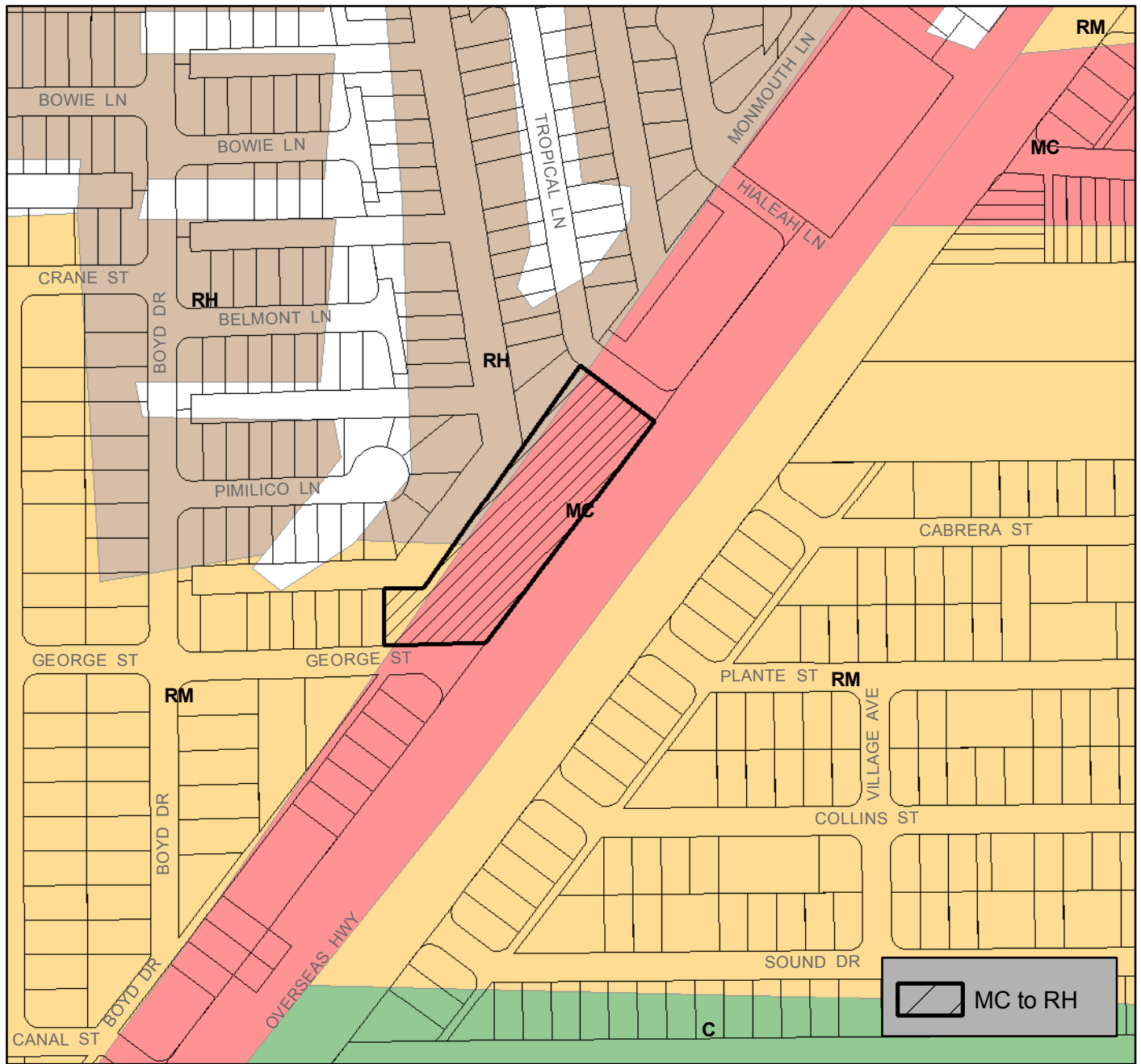
Proposal: Change Future Land Use District from Mixed Use/Commercial District (MC) to Residential High District (RH).

Property Description: RE 00468473.019200

Map Amendment: M25076



300
Feet



**The Monroe County Year 2010 Comprehensive Plan
Future Land Use Map is proposed to be amended as
indicated and briefly described as:**

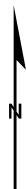
Key: Key Largo

Mile Marker: 103

Proposal: Change Future Land Use District from Mixed Use/Commercial
District (MC) to Residential High District (RH).

Property Description: RE 00468473.019200

Map Amendment: M25076



250
Feet



Proposed Land Use District Map Amendment: Street Map

Key: Key Largo

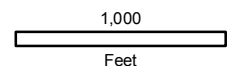
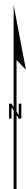
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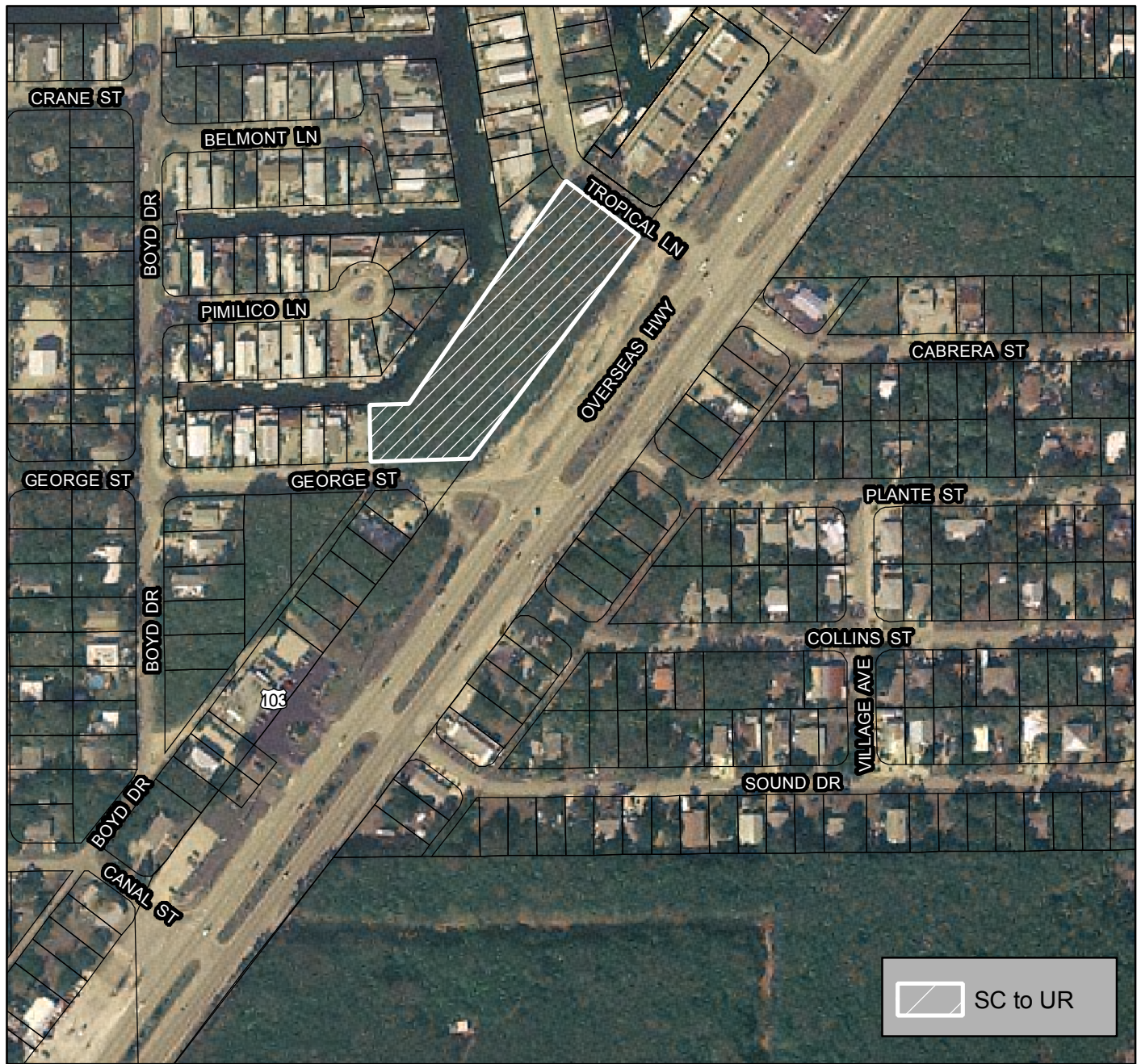
Proposal: Change Land Use District from Suburban Commercial District (SC) to Urban Residential District (UR).

Property Description: RE 00468473.019200

Map Amendment: M25076

Land Use District Map #: 112 and 113





Proposed Land Use District Map Amendment: Aerial

Key: Key Largo

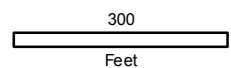
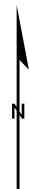
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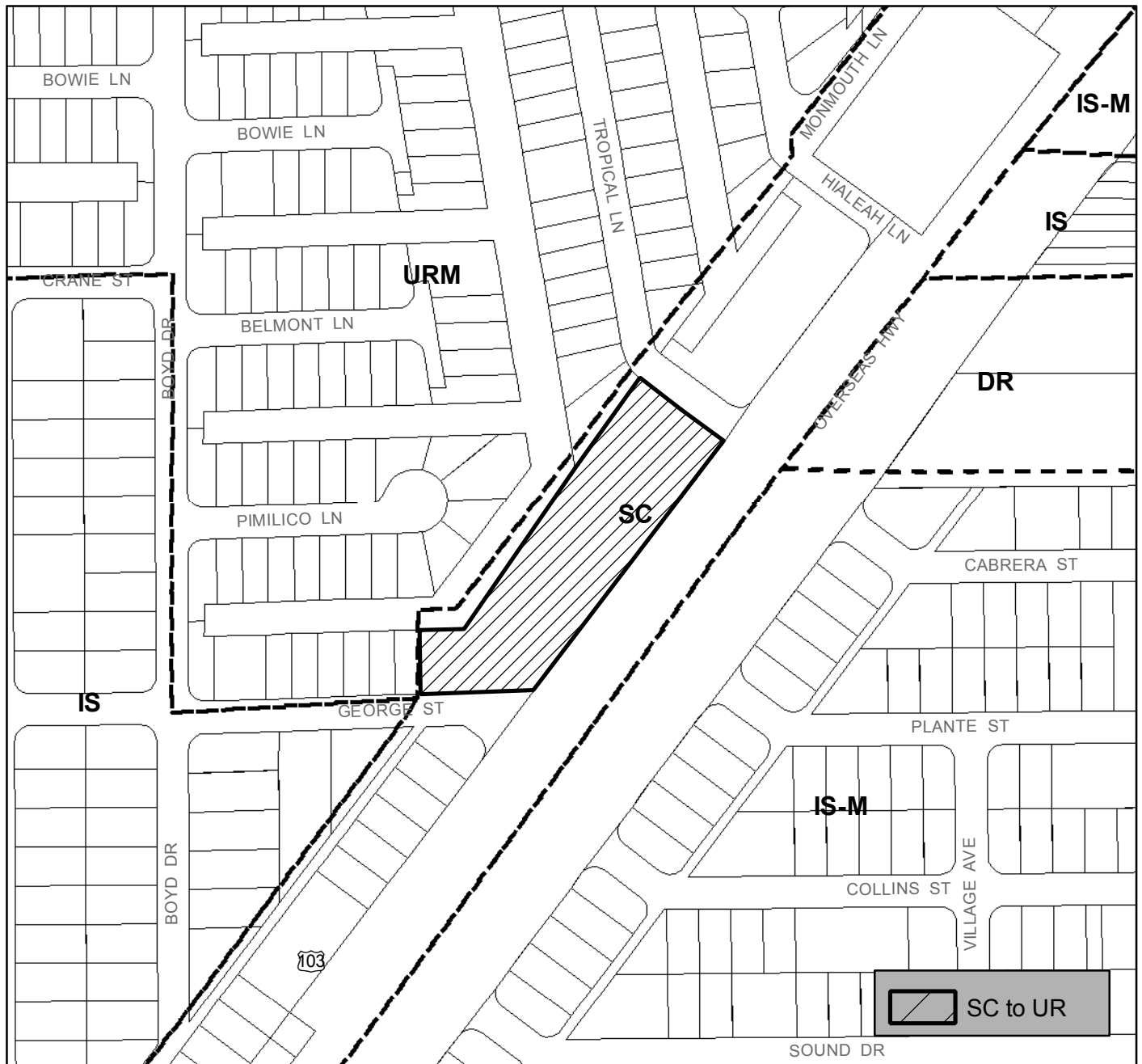
Proposal: Change Land Use District from Suburban Commercial District (SC) to Urban Residential District (UR).

Property Description: RE 00468473.019200

Map Amendment: M25076

Land Use District Map #: 112 and 113





**The Monroe County Land Use Map is proposed to be amended
as indicated above and briefly described as:**

Key: Key Largo

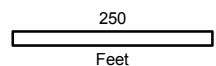
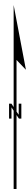
Mile Marker: 103

Proposal: Change Land Use District from Suburban Commercial District (SC)
to Urban Residential District (UR).

Property Description: RE 00468473.019200

Map Amendment: M25076

Land Use District Map #: 112 and 113



BOCC ORDINANCE TO AMEND
THE LAND USE DISTRICT MAP (ZONING)



ORDINANCE NO.

AN ORDINANCE BY THE MONROE COUNTRY BOARD OF COUNTY COMMISSIONERS **APPROVING** THE REQUEST BY ZACHARIAS FREDERICK J TRUSTEE TO AMEND THE LAND USE DISTRICT (ZONING) MAP FROM SUB URBAN COMMERCIAL (SC) TO URBAN RESIDENTIAL (UR) FOR PROPERTY DESCRIBED AS TRACT A, CROSS KEY WATERWAYS ESTATES, SECTION THREE, KEY LARGO, MONROE COUNTY, FLORIDA HAVING THE REAL ESTATE NUMBER: 00468473.019200. APPROXIMATE MILE MARKER 103.

WHEREAS, the Monroe County Board of County Commissioners, during a regular meeting held on February 15, 2006 conducted a review and consideration of the request filed by Zacharias Frederick J. Trustee to amend the Land Use District (Zoning) Map from Sub Urban Commercial (SC) to Urban Residential (UR) for the property described as Tract A, Cross Key Waterways Estates, Section 3, Key Largo, Monroe County, Florida, having the real estate number 00554420.000000; and

WHEREAS, at its December 19, 2006 meeting in Marathon, the Development Review Committee reviewed the application and recommended approval of the Land Use District (Zoning) Map amendment as indicated in the Resolution D24-05; and

WHEREAS, subsequent to the Development Review Committee meeting of December 19, 2006 after further review of the application, consideration of the facts and based on new information, staff reconsidered its recommendation and recommended not to approve the application to the Planning Commission as indicated in the Planning Commission Staff Report dated January 19, 2006; and

WHEREAS, the Planning Commission held a public hearing in Key Largo on January 25, 2006 and based on facts presented at the meeting, the Planning Commission recommended to approve the Land Use District (Zoning) Map amendment, as indicated in the Resolution P03-06; and

WHEREAS, the Board of County Commissioners examined the following information:

1. The application of Zacharias Frederick J. Trustee to amend the Future Land Use Map (FLUM) from Mixed Use Commercial (MC) to Residential High (RH) and the Land

Use District (Zoning) Map from Sub Urban Commercial (SC) to Urban Residential (UR); and

2. The staff report prepared by Aref Joulani, Acting Director, Planning and Environmental Resources and Alex Score, Senior Biologist, dated January 25, 2006; and

WHEREAS, Board of County Commissioners makes the following **Findings of Fact**:

1. **Section 9.5-511 (d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. In accordance with **Section 9.5-511 (d) (5) (b)**:
(iv.) New issues:
The property has the potential for commercial development under existing zoning that would permit similar clearing to the proposed residential Land Use District and FLUM designations, subject to Land Development Regulations. The applicant's agent stated that the HEI conducted on the property identified the parcel as moderate-quality hammock. Existing environmental rules will provide protection for the hammock.
3. The Special Protection Area (SPA) is proposed and has not been adopted.

WHEREAS, the Board of County Commissioners makes the following **Conclusions of Law**:

1. **Section 9.5-511 (d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. The map amendment meets the fifth (v.) criteria outlined in **Section 9.5-511 (d) (5) (b)**: of the Monroe county Land Development Regulations and will not have negative impact or alter the character of the properties or immediate vicinity.
3. The Special Protection Area (SPA) is proposed and has not been adopted.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

Section 1. The Board specifically adopts the findings of fact and conclusions of law stated above.

Section 2. The previously described property, which is currently designated Sub Urban Commercial (SC) shall be designated Urban Residential (UR) as shown on the attached map, which is hereby incorporated by reference and attached as Exhibit 1.

Section 4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 5. This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving the ordinance.

Section 6. This ordinance shall be transmitted by the Planning and Environmental Resources Department to the Florida Department of Community Affairs to determine the consistency of this ordinance with the Florida Statutes.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the 15th day of February 2006.

Mayor Charles "Sonny" McCoy
Mayor Pro Tem Murray E. Nelson
Commissioner George Neugent
Commissioner Dixie M. Spehar
Commissioner David P. Rice

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By _____
Mayor Charles "Sonny" McCoy

(SEAL)

ATTEST: DANNY L. KOHAGE, CLERK

Deputy Clerk



EXHIBIT ONE



Proposed Land Use District Map Amendment: Street Map

Key: Key Largo

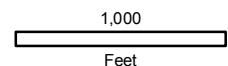
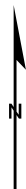
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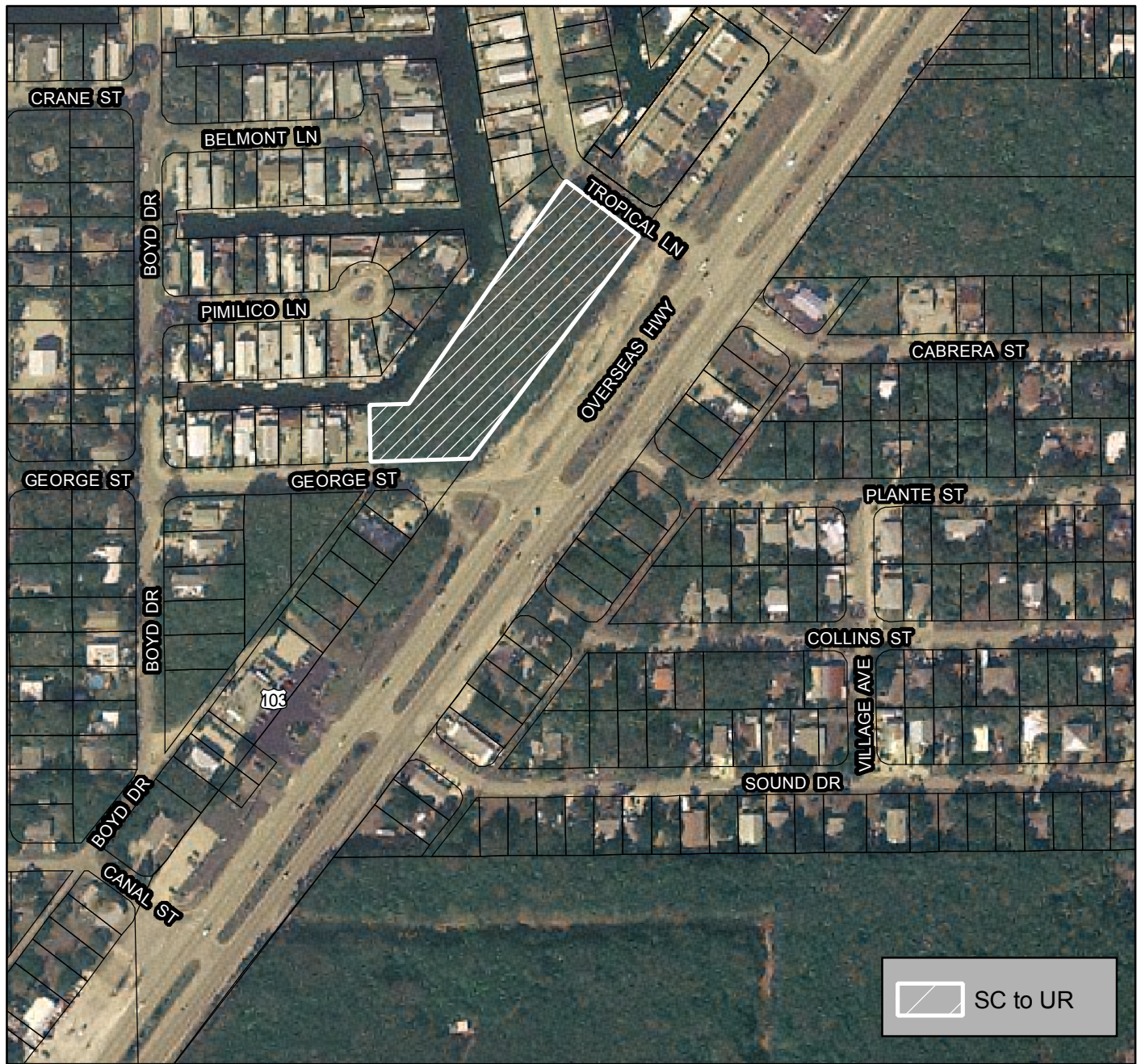
Proposal: Change Land Use District from Suburban Commercial District (SC) to Urban Residential District (UR).

Property Description: RE 00468473.019200

Map Amendment: M25076

Land Use District Map #: 112 and 113





Proposed Land Use District Map Amendment: Aerial

Key: Key Largo

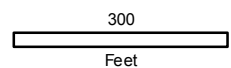
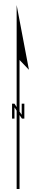
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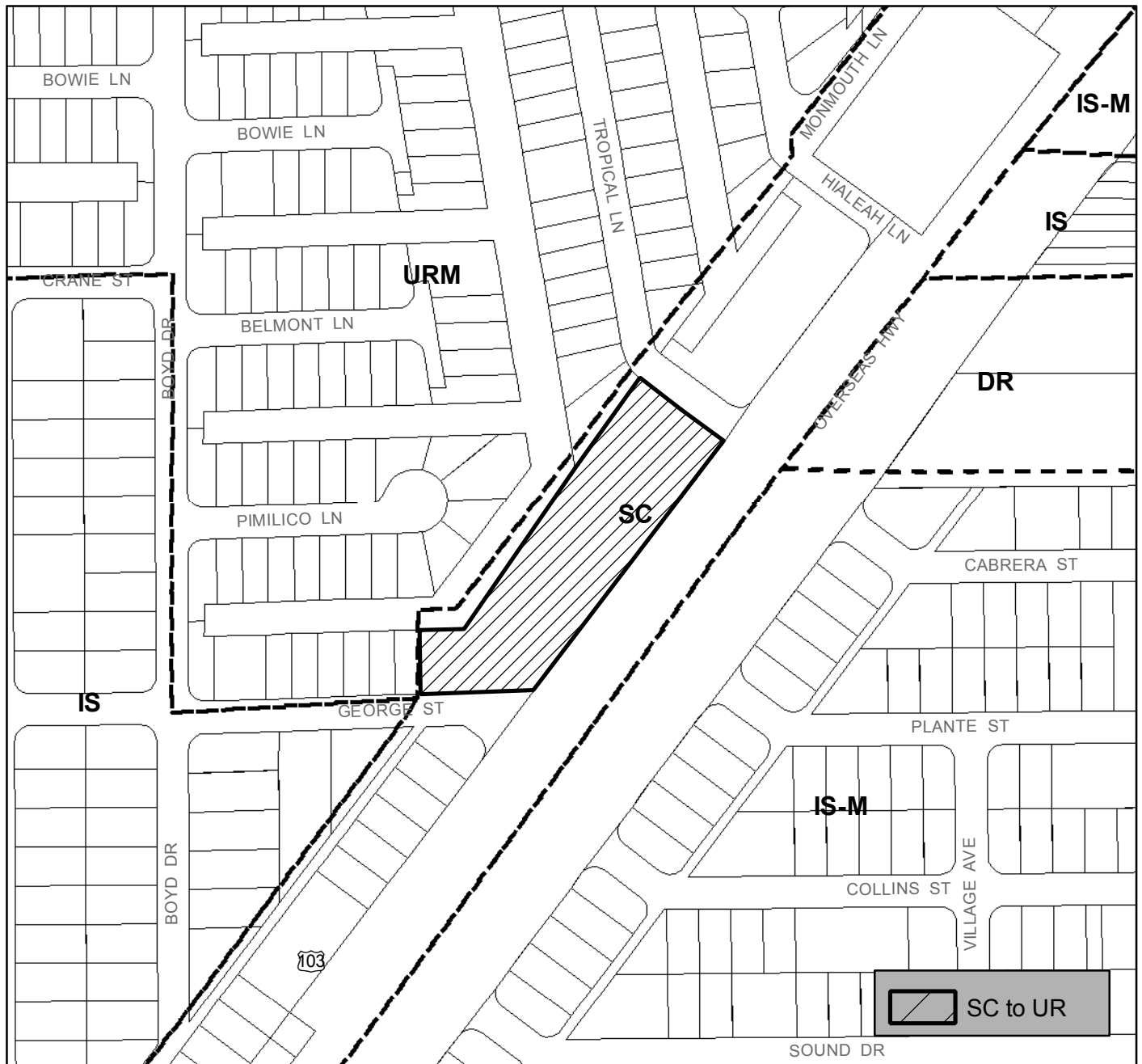
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Property Description: RE 00468473.019200

Map Amendment: M25076

Land Use District Map #: 112 and 113





**The Monroe County Land Use Map is proposed to be amended
as indicated above and briefly described as:**

Key: Key Largo

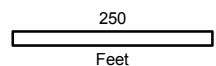
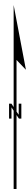
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Proposal: Change Land Use District from Suburban Commercial District (SC)
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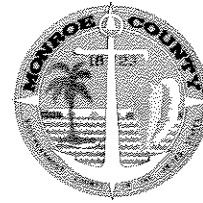
Property Description: RE 00468473.019200

Map Amendment: M25076

Land Use District Map #: 112 and 113



STAFF REPORT



Memorandum

To: Monroe County Board of County Commissioners

From: Aref Joulani, Acting Director, Planning and Environmental Resources
Alex Score, Biologist

Date: January 25, 2006

Re: Request for Future land Use Map and Land Use District Map Amendments

MEETING DATE: February 15, 2006

RE NUMBER: 00468473.019200

EXISTING FUTURE LAND USE MAP DESIGNATION: Mixed Use/Commercial (MC)

PROPOSED FUTURE LAND USE MAP DESIGNATION: Residential High (RH)

EXISTING ZONING DESIGNATION: Sub Urban Commercial (SC)

PROPOSED ZONING DESIGNATION: Urban Residential (UR)

PROPERTY OWNER: Zacharias Frederick J. Trustee

AGENT: Reed & Company Development
Services Inc.

PROPERTY INFORMATION

Key: Key Largo

Mile Marker: 103

Size: 2.08 Acres

Location Detail & Brief Description:

The property is located on Key Largo at approximate mile marker 103. The property has frontage on Overseas Highway and has additional frontage on George St. and Tropical Lane. The property is legally described as Tract A, Cross Key Waterways Estates, Section 3, Key Largo, Monroe County, Florida, having real estate number: 00468473.019200.

Existing Use:

The property is vacant and has not been developed in the past.

Existing Habitat:

The property is classified as a tropical hardwood hammock. The applicant's agent testified that an HEI has been conducted and the parcel was determined to be a medium quality hammock.

Land Use and Habitat on the 1985 Existing Conditions Aerials:

The 1985 existing conditions aerials classify this property at tropical hardwood hammock (code 426) per map sheet No: 286.

Neighboring Land Uses and Character:

The area has a mixture of commercial and residential uses.

The land to the north, zoned Sub Urban Commercial (SC) is a mixed use development with ground floor commercial and second storey residential. The area has a FLUM of Mixed Use Commercial (MC).

The property directly south and zoned SC is commercially developed. The area has a FLUM of MC.

The properties to the west, zoned Urban Residential Mobile Home (URM) are detached residential dwellings. The area has a FLUM of Residential High (RH) with a FLUM of Residential Medium (RM) along the George St. frontage.

The property has frontage on Overseas Highway to the east. Across Overseas Highway the property is zoned Improved Subdivision (IS – M) and is a mix of undeveloped and commercial parcels. The area has a FLUM of Residential Medium (RM).

ZONING AND LAND USE HISTORY**Pre – 1986 Zoning:**

The property was zoned Light Business District (BU – 1) prior to the 1986 zoning. “The district is intended to protect and enhance the areas best suited for the preservation of business related to neighborhood, tourist, and resort retail sales; and business, personal, and professional services.” (Monroe County Code, effective, October 1, 1979, Sec 19-216).

Considerations during 1986 comprehensive plan process:

During the 1986 revisions to the Monroe County Land Development Regulations and land use designations (Ordinance 33-1986 dated February 28, 1986), the subject property was re-designated as Sub Urban Commercial (SC). “The purpose of the SC district is to establish areas for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located. This district should be established at locations convenient and accessible to residential areas without use of U.S. 1.” (Monroe County Code Sec. 9.5-206).

The re-designation to SC was consistent with the pre-1986 zoning designation of BU - 1.

The list of permitted as-of-right and conditional uses includes commercial uses, office, institutional, commercial apartments, employee housing, public uses, hotels and marinas.

Consideration during the 2010 comprehensive plan Process:

During the ensuing Comprehensive Plan process which culminated in the adoption of the Monroe County Year 2010 Comprehensive Plan in 1996, efforts were made to eliminate inconsistencies between the existing Land Development Regulations and the newly formulated Comprehensive Plan and to apply Future Land Use Map (FLUM) designations that were consistent with the land use district designations. The property was given a FLUM designation of Mixed Use Commercial (MC), consistent with the Sub Urban Commercial (SC) land use district designation.

Map changes or boundary considerations since 1986:

No map changes have been approved since the 1986 designation.

ANALYSIS AND RATIONALE FOR CHANGE (Pursuant to Section 9.5-511 (d) (5) b.)

(Analysis and Rational provided by the applicant is in italics)

(i.) Changed projections:

“Historically zoning classified most properties that were adjacent to main thoroughfares as commercial properties. This however, has lead to sprawl and over time the predominant notion has been to encourage “nodes of development”. In this same vein US1 is classified as a main thoroughfare and commercial corridor and historically most properties adjacent to US1 received commercial zoning classification. The Key’s too have recognized the need to create “nodes of development” as substantiated through the CommuniKeys Master Plan for Key Largo where three centralized nodes of development were identified. In this vein it is more fitting that propertry be re-zoned to primarily residential rather than commercial use in order to discourage sprawled out commercial development on this parcel and encourage

residential development. This will in turn encourage additional commercial development to be constructed in the appropriate places.”

Rezoning is subject to considerations including compliance with Goal 102 of the Year 2010 Comprehensive Plan. The proposed zoning and FLUM amendment does not comply with Goal 102.

(ii.)Changed assumptions:

“Policy 101.3 requires Monroe County to regulate non-residential development to maintain a balance of land uses. In so much a ratio of 239 square feet of non-residential floor area for each residential unit developed is created. At 158 residential permits a year tied to the creation of 239 square feet of non residential floor area for each permit this creates 37,762 square feet of commercial floor area per year. The table below shows year 10 through 13 and the amount available and allocation that was awarded.”

<i>Year</i>	<i>Amount Available (in square feet)</i>	<i>Allocations Awarded (in square feet)</i>
<i>10</i>	<i>21,150</i>	<i>18,222</i>
<i>11</i>	<i>16,000</i>	<i>5,300</i>
<i>12</i>	<i>16,000</i>	<i>15,689</i>
<i>13</i>	<i>16,000</i>	<i>10,925</i>

When the NROGO allocation was set, it was projected that the control on development would create competition in NROGO however, demand for NROGO allocation has been less than projected. A surplus of NROGO allocation in any one year does not necessarily translate into a demand for residential development other development options may be appropriate.

(iii.)Data errors:

“Not applicable.”

(iv.)New issues:

“There have been new issues that have arisen due to the Summary Workshop Results January 20, 2005 for the Key Largo Livable CommuniKeys Plan:

- Improve US1 Design/Visual Characterizes – Residential development on this parcel would improve the design and visual characteristics on US1 by protecting the natural bufferyard that is in place.*
- Increase aesthetics along US1 corridor – Residential development on this parcel will increase the aesthetics.*
- Identify community centers – This site is not identified to be included within one of the community centers. In fact re-zoning the property will encourage more commercial development within the community centers rather than encouraging it to sprawl out on available undeveloped commercial properties such as the subject parcel.*

- *Encourage well designed, medium-scale (10-12 unit) housing complexes – By rezoning to residential this will in fact encourage housing complexes to be developed.”*

The rezoning itself will not result in increased aesthetics or well designed residential development along the corridor. These issues are related to the Monroe County Code, and the desire of the developer to develop in such a manner.

The rezoning may result in an intensification of development based on the limitations to commercial development under the Sub Urban Commercial (SC) zoning and the increased potential for residential development under the Urban Residential development.

Subsequent to the Development Review Committee meeting, the County Biologist concluded an analysis of the parcel and is recommending that the parcel be designated as a Special Protection Area (SPA). Under the SPA designation the parcel would be eligible for land dedication.

(v.) Recognition of a need for additional detail or comprehensiveness:

Density and Intensity

“Based upon the current zoning of suburban commercial the property could be developed to over 9,000 square feet FAR of commercial development. Also storage, up to 25% of the lot would be permitted as of right under the suburban commercial land use district. Based on 2.08 acres this would be approximately .5 acres. Depending upon the HEI the lot will be determined to be low or moderate quality hammock which will allow either 60% (54,362 square feet) or 40% (36,241 square feet) clearing of the lot.

Based upon the proposed zoning change to urban residential (UR) and 2.08 gross acres, six (6) units per acre allocated density or twelve (12) units per acre max net density could be developed. This corresponds to 12.48 units or 24.96 units respectively. Rounded down, 12 units, on 2.08 acres is equivalent to 12 lots of 7,550 square feet each. Further 24 units, rounded down, is equivalent to 24 lots of 3,775 square feet. The average lot size in Cross Key Waterways is 4,000 square feet. Therefore the re-zoning of the lots would be more compatible to the existing adjacent residential uses.

Much discussion in the CommuniKeys plan discussed protecting the corridor and enhancing the aesthetics. This can be done through the application of scenic corridor bufferyard. On this property a minimum of 30 feet would be required. However, a policy by the planning department has been to permit access drives to the property to be located in the setbacks/bufferyards, therefore essentially eliminating this requirement. Commercial use of this property would encourage clearing of the bufferyard for sight visibility for commercial development, whereas, residential development would encourage protection of the bufferyard to shield noise and pollution from US1.”

Use Compatibility

The ability to construct residential dwelling units on the property would be compatible with the neighboring properties to the west and across the canal.

Staff has determined that an amendment to the Land Development Regulations has been approved by the Board of County that will remove outside storage as a permitted use in the Sub Urban Commercial district the applicant's statement regarding outside storage will not apply based on the new LDR language.

A Habitat Analysis is required to determine the quality of the hammock and allowable clearing allowance at time of development.

Access drives will likely be from platted side streets unless the site is replatted to require access from U.S. 1. Curb cuts must be located no closer than 400 feet from any other curb cut on U.S.1.

Sight triangles are required for any use having direct access to U.S. 1 regardless if it is a commercial or residential land use.

Where permitted, a driveway may cross the bufferyard to access a road or highway but the required bufferyard must be maintained for the remainder of the property. The width of the driveway will be reviewed for compliance with the Land Use District Regulations and a determination made if the proposed width is excessive. A drive aisle may not be constructed laterally across a required bufferyard so as to eliminate the bufferyard.

Under the SPA designation the parcel is to be protected. The increased opportunity for residential development of the parcel offered by the zoning and FLUM amendment would increase secondary impacts on the parcel affecting the natural vegetation retained on site.

(vi.)Data updates:

"Not applicable."

IMPACT AND POLICY ANALYSIS

Comparison of development potential for the Current and Proposed Land Uses:

1. Current Land Development Regulations (LDR's)

The property has a current land use district map designation of Sub Urban Commercial (SC) and a re-zoning to Urban Residential (RM) is proposed.

Sec. 9.5-206. Purpose of the Sub Urban Commercial District (SC)

The purpose of the Sub Urban Commercial (SC) district is to establish areas for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located. This district should be established at locations convenient and accessible to residential areas without use of U.S. 1.

The property has a current FLUM designation of Mixed Use/ Commercial (MC) and is consistent with the SC land use district map designation.

Policy 101.4.5

The principal purpose of the Mixed Use/ Commercial land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. Employee housing and commercial apartments are also permitted.

This land use category is also intended to allow for the establishment of mixed use development patterns, where appropriate. Various types of residential and non-residential uses may be permitted; however, heavy industrial uses and similarly incompatible uses shall be prohibited. In order to protect environmentally sensitive lands, the following development controls shall apply to all hammocks, pinelands, and disturbed wetlands within this land use category:

1. Only low intensity commercial uses shall be allowed;
2. A maximum floor area ratio of 0.10 shall apply; and
3. Maximum net residential density shall be zero.

The list of permitted as-of-right and conditional uses includes commercial uses, office, institutional, public uses, hotels and marinas. More specifically, the SC permits commercial apartments and employee housing of less than six (6) units as-of-right, subject to meeting all other requirements. More than eighteen (18) units require a major conditional use.

2. Potential Land Uses with Proposed Map Amendment

The applicant is requesting a land use district map amendment from Sub Urban Commercial (SC) to Urban Residential (UR).

Sec. 9.5-204. Purpose of the Urban Residential District (UR).

The purpose of the UR district is to provide areas appropriate for high-density residential uses designed and intended for occupancy by persons gainfully employed in the Florida Keys and to create areas to provide for vacation rental use of detached dwellings, duplexes, and multifamily dwellings. This district should be established at or near employment centers.

The applicant is requesting a FLUM amendment from Mixed Use Commercial (MC) to Residential High (RH).

Policy 101.4.4

The principal purpose of the Residential High category is to provide for high-density single-family, multi-family, and institutional residential development, including mobile homes and manufactured housing, located near employment centers.

The proposed Residential High (RH) FLUM designation is consistent with the proposed Urban Residential (UR) land use district map designation. The UR district permits detached residential dwellings as-of-right and detached residential dwellings as a conditional use amongst other uses.

Compatibility with adjacent land uses and effects on community character:

Density and Intensity

For properties consisting of hammocks within the Mixed Use Commercial (MC) FLUM designation, the floor area ratio is 0.10 and the maximum net residential density bonuses do not apply.

Amending the FLUM from Mixed Use Commercial (MC) to Residential High (RH) would eliminate this restriction.

The potential for residential development increases significantly with a re-zoning from SC to UR. Under the SC zoning, detached and attached dwellings are not permitted except for commercial apartments and employee housing. The UR district has no such limitation.

Residential density under the proposed land use district map amendment from SC district to UR district would increase the allowable density for all categories of residential development. The 2010 Plan prohibits the use of max net density for property with an MC FLUM that is also hammock as is this property.

The maximum number of dwelling units (DU) permitted is as follows, the ultimate number is dependant on compliance with all Monroe County Code requirements:

Allocated and Max Net Density Permitted Per Acre

Sub Urban Commercial		
	Allocated (DU/Acre)	Max Net (DU/Buildable Acre), (not available in hammock)
Sub Urban Commercial (commercial apartments)	3	0
Employee Housing	3	0

Urban Residential		
	Allocated (DU/Acre)	Max Net (DU/Buildable Acre)
Urban Residential	6	12
Employee Housing	6	25
Affordable Housing	6	25

The maximum non-residential square footage permitted is as follows and the ultimate square footage allowed is dependant on compliance with all Monroe County Code requirements:

Non-Residential Maximum Floor Area Ratio Permitted

Sub Urban Commercial (SC)		
	FAR	OSR
Hammock Low Quality	.10	.40
Hammock Medium Quality	.10	.60
Commercial Retail:		
Low intensity	.35	.2
Medium intensity	.25	.2
High intensity	.15	.2
Office	.45	.2
Institutional	.30	

Urban Residential (UR)		
	FAR	OSR
Hammock Low Quality	.10	.40
Hammock Medium Quality	.10	.60
Institutional	0.30	0.2
Public Buildings	0.30	0.2

Use Compatibility

The property is currently vacant. Residential land uses under the Urban Residential (UR) land use district map designation would be consistent with the residential land uses to the west and northwest of the property that are currently zoned Urban Residential Mobile Home (URM) and developed with detached residential dwellings.

The UR land use district allows detached and attached residential dwellings that the SC land use district does not.

Effects on Natural Resources Goal 102

Goal 102 of the Year 2010 Comprehensive Plan states that Monroe County shall direct future growth to lands which are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands.

At the present time, this parcel is in a proposed Special Protection Area (SPA). Previously, this parcel was in a proposed TIER 2 and subsequently in a proposed TIER 3A. This area is a tropical hardwood hammock and the change of zoning from SC to UR will increase the allowable density for residential development. The overall clearing allowance will not change, but the change in zoning will be encouraging development in this area. Since in all hammocks, pinelands, and disturbed wetlands the maximum floor area ratio is 0.10 this would severely reduce the SC use in this parcel and would therefore protect the hammock area.

SC hammock lots on US1 have also been looked by Monroe County Land Authority for purchase of environmental protection to maintain a highway greenscape. The change in zoning would not be compatible with any future highway environmental project by the Land Authority.

I disagree that residential development on this parcel would improve the design and visual characteristics on US1 since the bufferyard requirements are the same for SC and UR. The SC designation has more protection than the UR designation with density restrictions.

By looking at the Environmental aspects and the future Key Largo CommuniKeys Plan, the zoning and FLUM amendment proposed can not be supported.

Effects on Public Facilities: Objective 101.11

Monroe County shall implement measures to direct future growth away from environmentally sensitive land and towards established development areas served by existing public facilities. The proposed FLUM and Land Use District Map amendments will support Objective 101.11.

Local Traffic and Parking

The subject property is located on Overseas Highway and has potential access from George Street and/or Tropical Lane.

Traffic Circulation

The site fronts on Overseas Highway (US-1) a four lane divided highway and has a potential connection via George Street and/or Tropical Lane. The Key Largo highway segment has a **Level of Service rating of A** and is considered **Adequate**. The proposed land use district map amendment should not affect the LOS.

Solid Waste

The existing solid waste haul out contract will provide Monroe County with **guaranteed capacity to September 30, 2016**. The proposed land use district map change should not increase solid waste generation significantly from that generated by potential uses under the existing designation.

Potable Water

The Florida Keys Aqueduct Authority's existing consumptive use permit authorizes the withdrawal of sufficient quantities to meet the anticipated demand. The proposed land use district map amendment is not anticipated to have any discernable effect on potable water withdrawals.

Stormwater

Section 9.5-293 of the Land Development Regulations requires that all developments retain stormwater onsite following Best Management Practices (BMP). Pursuant to **Policy 101.1.1** all projects shall be designed so that the discharges will meet Florida State Water Quality Standards. Compliance review for these sections is determined by the South Florida Water Management District or County Engineer and occurs at the time a development permit has been filed.

Wastewater

Policy 901.1.1 requires that at the time a development permit is issued, adequate sanitary wastewater treatment and disposal facilities are available to support the development. Wastewater issues will be addressed at the time a development proposal is brought forward.

Effects on Redevelopment / Infill Potential:

The proposed FLUM and Land Use District Map amendments will eliminate the possibility for commercial development and increase the likelihood of residential development on the property.

FININGS OF FACT AND CONCLUSIONS OF LAW:

1. **Section 9.5-511 (d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.

2. In accordance with **Section 9.5-511 (d) (5) (b):**

(iv.) New issues:

The property has the potential for commercial development under existing zoning that would permit similar clearing to the proposed residential Land Use District and FLUM designations, subject to Land Development Regulations. The applicant's agent stated that the HEI conducted on the property identified the parcel as moderate-quality hammock. Existing environmental rules will provide protection for the hammock.

3. The Special Protection Area (SPA) is proposed and has not been adopted.

CONCLUSIONS OF LAW:

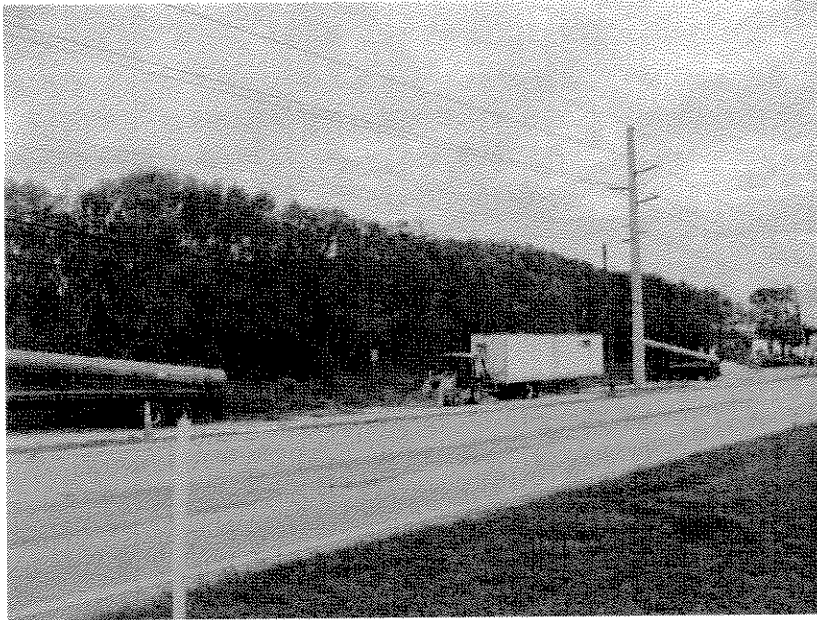
1. **Section 9.5-511 (d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. The map amendment meets the fifth (v.) criteria outlined in **Section 9.5-511 (d) (5) (b):** of the Monroe county Land Development Regulations and will not have negative impact or alter the character of the properties or immediate vicinity.
3. The Special Protection Area (SPA) is proposed and has not been adopted.

RECOMMENDATION:

The Planning and Environmental Resources Department recommended **Not to Approve**, based on the above Findings of Fact and Conclusions of Law, the Planning Commission recommends **Approval** to the Board of County Commissioners for the proposed Future land Use Map amendment from Mixed Use/Commercial (MC) to Residential High (RH) and of the proposed Official Land Use District Map amendment from Sub Urban Commercial (SC) to Urban Residential (UR).

Zacharias FLUM and Land Use District Map Amendment: RE # 00468473.019200

Overseas Highway Frontage



Tropical Lane Frontage

